

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
OFFICE OF ADMINISTRATIVE LAW JUDGES

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Investigation of: *
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MV ETHAN ALLEN, *
LAKE GEORGE, NEW YORK, *
OCTOBER 2, 2005 * Docket No.: DCA 06 MM 001
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Interview of: HUGH QUIRK

Lake George, NY

Thursday,
October 6, 2005

The above-captioned matter convened, pursuant to
notice at 10:20 a.m.

BEFORE: BRIAN CURTIS

APPEARANCES:

BRIAN CURTIS
National Transportation Safety Board

ROBERT HENRY
National Transportation Safety Board

PAT BARNES
National Transportation Safety Board

JAMES CASTILLO
U.S. Coast Guard

PETER GIONET
New York State Parks

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P R O C E E D I N G S

(10:20 a.m.)

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2
3 MR. CURTIS: Good morning. It's October 6 at 10:20
4 here in Lake George, New York, regarding the accident on the
5 Ethan Allen, which occurred on October 2nd. We're going to be
6 interviewing Mr. Hugh Quirk this morning, the brother of the
7 owner of Shoreline Cruises. Hugh, we're doing a safety
8 investigation here. This isn't criminal investigation, just
9 safety oriented, and you're entitled -- you are entitled to
10 representation during the interview, if you request it. And if
11 you like, I'd like to record it if you don't mind.

12 MR. QUIRK: No, just go ahead.

13 MR. CURTIS: Okay. And we're going to go around the
14 table before we get started for the transcription. These will
15 probably be transcribed, so just to identify who's in the room
16 and it makes it easier for them during the transcription. I'm
17 Brian Curtis with the NTSB.

18 MR. HENRY: Rob Henry, NTSB.

19 MR. CASTILLO: Jim Castillo with the Coast Guard.

20 MR. GIONET: Peter Gionet with New York State Parks.

21 MR. QUIRK: Hugh Quirk, Shoreline Cruises.

22 MS. BARNES: Pat Barnes, the NTSB.

23 INTERVIEW OF HUGH QUIRK

24 BY MR. CURTIS:

25 Q. Okay, Hugh, I understand, the morning previous to the

1 accident, you took the vessel out for a trip?

2 A. Yes, I did. And you want to know what happened.

3 Okay. So I went down there a little after eight o'clock and I
4 went I made the rounds. The first time -- it was the first
5 time I ever ran the Ethan Allen, and making my rounds and I
6 spent a little extra time because I had to familiarize myself
7 with a new vessel and see if there's any -- what the
8 differences -- we had a different engine, a few different
9 things like that. I checked all the fluid levels, checked the
10 bilges, changed the diapers in the bilge for the oil absorb
11 pads. I just looked around through the main engine room and
12 checked the bilge pump. It was up in the forward bulkhead, and
13 just find the different positions. And I was satisfied that
14 everything was all right. I went up and closed it up, put the
15 power on, and started the engine up and warmed it up. Then I
16 just waited for the group of people to come, and they arrived
17 about 9:25. We took the crew -- I don't know how many was on
18 the vessel at the time. I didn't have any record of it. I'm
19 sure they do at the Shoreline. But it wasn't a full boat. And
20 we make a one-hour fall foliage tour, went up the west side of
21 the lake and came around and came back down the east side of
22 the lake.

23 Q. And how many trips were there that day? This was the
24 what of how many trips?

25 A. Well, that was the first. I don't know how many

1 others took place because, after that, another captain took
2 over. I put the boat away. This is before -- this is a
3 nonscheduled one. It came in the last minute and my brother
4 asked me to take it. I'm just a fill-in captain. I help my
5 brother out.

6 Q. Okay. And I'm sorry. You went out at what time and
7 you returned at what time?

8 A. I think it was 9:30 to 10:30.

9 Q. On that morning, did you have any trouble with any
10 equipment on the vessel, the engine --

11 A. No.

12 Q. -- the radio?

13 A. No.

14 Q. No problems? Was there any word of -- had you
15 normally had trouble with the engine in the past leading up to
16 it or --

17 A. No.

18 Q. No?

19 A. No. Actually, that was very good running. In fact,
20 I've run the De Champlain and I've run the Algonquin, and this
21 was the strongest running of the vessels. It ran better and
22 stronger and it seemed like it was quicker.

23 Q. And the -- there was a VHF radio on the boat.

24 A. There's a VHF radio. I didn't turn -- did not turn
25 it on. I use cell phones.

1 Q. You typically don't use the VHF to communicate?

2 A. No, I use a cell phone.

3 Q. Do you -- if you're, say, passing a vessel --

4 A. Yeah.

5 Q. -- do you use a radio to contact them or is it --

6 A. A horn.

7 Q. A horn?

8 A. Yeah.

9 Q. And what are the signals of the horn you'd use in
10 passing, or just a blow?

11 A. Yeah. Well, you push the horn once if you're going
12 to pass port to port.

13 Q. Okay.

14 A. (Indiscernible) turn to my right and push it twice
15 and I'll turn to my left and we'll go starboard to starboard.

16 Q. And that's right on the control console, the --

17 A. Yes.

18 Q. -- the horn? So the VHF typically isn't used during
19 the voyage?

20 A. No. We typically don't pass any major vessels unless
21 we happen to be sneaking back out in the main waterway.

22 Q. Is there any agreement with the other tour companies,
23 that you stay in the same channel or anything, VHF, or --

24 A. No, when we run the bigger boats, we're on 16 and we
25 check with the others and we do it by radio. They're more

1 likely to be in contact. In fact, generally the rule of the
2 road is, for the smaller boats, you just kind of really stay
3 out of their way, you give them room and you know -- because
4 they do put out a large wake. But I don't know what the height
5 of the bow is on the Ethan, but I know, on the Champlain one
6 time, with a trip with maybe 10 or 11 people on board, I was
7 coming out of one of the bays on the east side and the Mohican
8 was going north and she took -- she went up over the first one
9 and dove down into the second water and took water. It got
10 some of the passengers wet on the starboard side.

11 Q. Now, did you take the water over the bow or to the
12 side?

13 A. We took it to the one point off the -- of the
14 starboard.

15 Q. So did you have a significant role when that
16 occurred, to get the water?

17 A. No.

18 Q. Just the size of the wake?

19 A. Just the size of the wake, it pushed it up and most
20 of it came in on the starboard side. A little bit -- most of
21 it came up on the starboard side. It actually came into the
22 cabin, because they had the glass open.

23 Q. Have you had, in experiences, trouble with the wake
24 of other vessels about the lake as you make your trips?

25 A. I've never had any trouble with it, but I kind of

1 looked at that many, ha, ha, and you know, she leaves that
2 track and it's a funny looking thing, but you run through it
3 and it seems to run real smooth. I mean, I've run through it a
4 couple of times with the tour boats and they never shake. You
5 got to hit -- pretty much, you ought to be doing about 90
6 degrees.

7 Q. Have you ever taken the vessel out or known the
8 vessel to go out with a full load of people, as they had on the
9 day of the accident?

10 A. Actually, until last -- this past week, I hadn't seen
11 them full like that, no.

12 Q. Okay.

13 A. Yeah. They're mostly -- most of the time they're
14 running -- I've seen them go out with two to ten most of the
15 time, and then when it gets into the afternoon, you might get
16 one trip and it'll be like 18 or 20 and that would be big trip
17 for the day.

18 Q. Have you ever seen it where it was -- where they had
19 close to capacity of people on board?

20 A. No, actually -- you know, 48 or 50, I hadn't -- I've
21 never been out on one, and I've only been helping with the tour
22 boats spotting here and there, because I came here in the
23 spring and I was working on -- mostly working on the Horicon
24 and doing a lot of the mechanicals and checking it out and
25 cleaning it up and learning --

1 Q. Excuse me. That's another vessel?

2 A. Yeah, the larger vessel. It's an 85-footer. And I
3 was also working with the Adirondac, learning the vessel.
4 That's the newer one. And I spent a lot of time there. I also
5 spent a lot of time in the training. You know, we were
6 bringing on the crews and we'd help with the other captains,
7 because I was not -- I did not have a master's license at the
8 time, and they were kind of overseeing it, but I actually did
9 most of the -- a lot of classroom training with the kids on a
10 daily basis for about three weeks with different crews and kids
11 and -- not only did I train them, I mean, I watched their
12 performance and if they weren't doing things -- and the
13 training crew did everything from fire fighting, fire pumps,
14 placing and talking to people and how to handle them and what
15 to say, but it also included helping people aboard and
16 giving -- you know, handicap. And people -- and how to
17 recognize people when they get older and they have vision
18 problems, and why they're stepping like this and why they do
19 these different things.

20 Q. Now, this is --

21 A. How to help them. I mean, this is part of their
22 training. And when to use two people, make sure you have two
23 people instead of one, for the assistance.

24 Q. And that was training for the bigger vessels as
25 opposed to the --

1 A. Yeah.

2 Q. -- Ethan Allen?

3 A. It was for all of these. All of these people were in
4 all the different vessels.

5 Q. Okay. So --

6 A. They'd go out and get assigned -- you know, they can
7 be assigned as an OS-1 or an AB if they're -- you know, the
8 better rates. It depends on their ability.

9 Q. And what did you have for a license?

10 A. My original license here, my license now is a master.
11 At that time it was apprentice master. And my Coast Guard
12 license is a second engineer, steam, repair of motor. My
13 experience with sailing is, I sailed '64 to '70, to the Vietnam
14 era, mostly on steam and mostly on ammo ships. You know, I'd
15 do a couple of ammo runs and get a couple of runs on a
16 passenger ship for vacation. And I was with Graceland Reward
17 (ph.). Then I did a run out there in the first Persian Gulf
18 war, Desert Storm.

19 Q. And as far as your experience working --

20 A. With smaller boats?

21 Q. -- with your brother's company, yeah, yeah, small
22 boat experience and when you started with your brother.

23 A. Oh, smaller boats. Well, actually, smaller boats, we
24 started -- my brothers and I started a business when I was 14.
25 You know, maybe he was 18 and it might've been even a little

1 before that. Maybe I was 13. Yeah, we started a water-ski
2 instruction business -- boat leasing business in Pittsfield,
3 Mass. I came up here after I was sailing, you know, my summer
4 vacation and started the business up here and that was '67.
5 And I ran in '67, '68, '69, '70, '71. And my mom passed in '72
6 and my brothers and I had some differences of opinion, so I
7 went off on my own and ran my own marina down in Pittsfield,
8 Mass. There I ran a leasing company, a boat rental company,
9 marina dockage, and a full-service marine store and the size of
10 the store was about 80,000 square feet inside. So we had
11 plenty of storage and plenty of everything. And three and a
12 half acres of parking. It was a good sized place.

13 Q. And when did you start with Shoreline again?

14 A. This year.

15 Q. Just this year?

16 A. Yeah. And they were basically personal reasons why I
17 left Pittsfield.

18 Q. Was that in the -- what time, in the spring of the
19 year or --

20 A. Oh, in the spring of the year. I came here in --
21 I'll say it was April. April, mid-April, early April. I'd
22 have to go back to a calendar so I can take a look at the
23 lawyer's appointments and find out.

24 Q. I'll just do a couple more questions and pass it on.
25 The conditions the day of the accident --

1 A. Oh, the weather was fine. Zero to five-mile-an-hour
2 winds, if that, and that would be only out in the middle of the
3 lake, and along the edges, you weren't able to pick up a
4 ripple. Moderate boat traffic. I wouldn't call it heavy. I
5 didn't see any traffic. I ran the Algonquin later on that day,
6 and this is after it happened, and it was yet known that it
7 happened. And I went out on a trip and I had seven people.
8 And I saw a lot of boats over there and I saw one fire boat and
9 seven Lake George patrol boats and sheriff's patrol boats
10 there. And I could not do anything to be able assist, so I
11 stayed away from the area.

12 Q. Did you hear anything on the VHF or wasn't that on?

13 A. The VHF was on.

14 Q. So it's up to the captain's discretion if the radio
15 is turned on?

16 A. You know, on the tour boats, I don't think I've seen
17 them turn it on, and I don't know if they even work.

18 Q. Okay.

19 A. Generally, all the contact, like I said, is cell
20 phones.

21 Q. Just one more question before I pass it on. You
22 mentioned before that the company would know how passengers
23 were on. Is there some accounting practice that you know would
24 trip to trip, month to month, how many people are on each trip?

25 A. That I would know?

1 Q. No, in the office. Is that kept in the office,
2 passenger load accountability or a record of each trip, how
3 many passengers?

4 A. I really don't know. But they have -- you know, on
5 the tours, I'm sure they have contracts.

6 Q. Okay.

7 A. And you know, how many -- and lot of times they have
8 a contract to take 50 people, but you'll take 42, because a lot
9 of the people go -- I mean, on that trip that tipped over, I
10 was there that day and that went out, you know, a half-hour, 40
11 minutes ahead of me, and there was a good load. In fact, I was
12 walking down the hill and there was a fellow with a walker and
13 I was walking down next to him, and I just slowed down and
14 wanted to see how he was doing. And he actually shifted to one
15 side of the walker and put only one hand on the walker, and he
16 walked down the hill, and he had someone to assist him to come
17 over and hold the other side (indiscernible). But I walked
18 down to the boat to see what it was all about. I saw a lot of
19 people getting on the boat. I went back because, basically,
20 I'm a floater. I don't really do anything. And you know, I
21 see if they need me for a ride and -- and getting on the boat
22 are -- untying the boat and getting ready to go. A couple of
23 girls or big ladies, they decided not to go. And I don't
24 know -- you know, because it was, you know, pretty full. And I
25 think they were maybe, you know, just weren't going to be

1 comfortable with that heavy a load on there, so they went
2 shopping.

3 Q. Did they say --

4 A. They said they were going shopping. I don't know
5 whether they went or not.

6 Q. Did you speak to them? Did they say why they weren't
7 comfortable?

8 A. No, they said, we'll take the next route, the next
9 trip. That's all they said.

10 Q. Okay.

11 A. Yeah. They looked at the boat, they did not get on
12 the boat, and the boat looked pretty full. And my concern, you
13 know, it's not a big deal, but it's just, make sure you have
14 somebody to help. You know, they had the one fellow there that
15 was on -- that I saw that was on a walker, you know, one of
16 those things with the wheels on them, basically, with a brake
17 on it.

18 Q. Yeah.

19 A. And I was thinking about going on. You know, I
20 didn't want to go on, but you know, I know I don't have to. I
21 know there's another -- if I stay here, I can go take a ride on
22 the boat and yada, yada. But if I go on that boat, you know,
23 if it's the right thing I'll do it, you know. I started
24 getting ready to go on and the tour guide came around, a little
25 blonde lady, and she says, I'm going on. And I said -- and

1 identified herself as a tour guide. She said, I'm going to
2 out. And I said, oh, you're going to take of your people. And
3 she said yes. I said good. And I didn't have to go because
4 she was going to be there to take care of the people and
5 monitoring. She's definitely better than any deck hand we
6 would've been able to send.

7 MR. CURTIS: Okay. All right, I'll pass it along to
8 Rob Henry. And if you could identify yourself as you ask
9 questions, for the transcriptionist.

10 BY MR. HENRY:

11 Q. Yeah, Rob Henry and I'm the chairman for the Naval
12 Architecture Group. The two larger vessels, their names are?

13 A. Horicon and the Adirondac.

14 Q. Do you know where they were built?

15 A. (Indiscernible) Shipbuilding in Albany.

16 Q. In Albany. That's a shipyard --

17 A. That's right.

18 Q. -- for ship construction?

19 A. Correct.

20 Q. And that was the same gentleman that was assisting us
21 yesterday with the simplified stability test?

22 A. That's correct, yeah.

23 Q. So he designed those vessels and built them --

24 A. Correct.

25 Q. -- and (indiscernible) them?

1 A. Yeah.

2 Q. Has he -- to your knowledge, did he build any other
3 vessels that are operating on the lake?

4 A. I have no idea. I know that, in his ad, he shows the
5 Northern Lights. That's up on --

6 MR. CASTILLO: Lake Champlain.

7 MR. QUIRK: Champlain. Then there's another
8 Adirondack, which is a sail vessel, it's spelt with a K on the
9 end instead of -- and that's -- but I don't know where that is,
10 but it's somewhere here.

11 MR. CASTILLO: It's operating up there in the Hudson.

12 MR. QUIRK: Hudson, okay. So yeah.

13 MR. HENRY: Okay.

14 MR. QUIRK: But he -- and he's built the Apple line
15 boats, I believe, also, didn't he? Apple, the Apple cruises
16 out of Albany? He might've built those, too.

17 MR. CASTILLO: Dutch Apple?

18 MR. QUIRK: Dutch Apple, that's it.

19 BY MR. HENRY:

20 Q. On the Ethan Allen or De Champlain, did you ever go
21 out as the second crew member?

22 A. Sure.

23 Q. And what were your responsibilities?

24 A. Just to help out as needed. Yeah. I've rode with --
25 I'm trying to think of what captain. I know I rode with

1 Bruce Beck a few times. And I rode with Frank once.

2 Q. Frank?

3 A. One of the old big guys. He's (indiscernible) been
4 around for a while. And then -- I'm trying to -- I think -- I
5 don't know if I went with anybody else. I know I rode on the
6 Horicon all the time. And a lot of it was, I was riding -- I
7 rode second captain when I got my license, but before that, I
8 just observed, observing everybody, from the captain right
9 through, in terms of job performance and helping and education.
10 It just -- and it was unpaid position. I was just helping them
11 out and helping with the training and giving advice. I was
12 just helping my brother out.

13 Q. Okay. If there's an opportunity and we can get
14 clearance, do you think we could arrange and possibly have you
15 actually take us on the one-hour tour and explain to us where
16 we are on the lake and --

17 A. Sure.

18 Q. -- and what you do and what you watch out for and --

19 A. Sure.

20 Q. -- just -- you know, just sort of go through the run?

21 A. Yeah.

22 Q. We can use the De Champlain?

23 A. Sure. If it's all right with my brother, it's all
24 right with me.

25 Q. Okay.

1 A. And actually, we use the Algonquin for -- it's more
2 comfortable. They haven't got the seats fixed yet in the
3 De Champlain so far.

4 Q. Oh, okay. Then -- yeah.

5 A. (indiscernible).

6 Q. The (indiscernible) of interest to us, but --

7 A. Yeah.

8 Q. -- you know, just running the route so we get a feel
9 for what to expect. Can you tell us a little bit about the
10 lake, weather on the lake, your experience --

11 A. Yeah.

12 Q. -- limited, you know, as it is, but your experience
13 on waves and shoaling and the depth of water that you operate
14 in?

15 A. Well, the water is pretty well marked, you know,
16 there's a lot of markers out there and we just have to read
17 them and pay attention. But it's funny wind here. Sometimes,
18 if you get it from certain directions, you got to watch it,
19 they'll swirl and you get a lot of cat's paws out there. And
20 if you've sailed, which I think you have, you know, you're
21 watching the wind, you can take advantage of it and you can
22 point the -- point up in the wind and it'll give you a little
23 advantage when you're racing. If you just watch and you pay
24 attention, you can play them. But out there, you know, the
25 cat's paws can add different problems, especially if you're

1 going to dock or some kind of maneuvers. And if you have
2 certain types of wind, you want to stay out of certain areas.
3 But those boats do not seem to be bothered that much by wind,
4 except for in terms of slowing down if you get a head-on wind.
5 Going out to just past where the accident happened, you go up
6 and make the turn, if you go up just a little higher, you'll
7 actually go into where there's a long run. If you're getting
8 an easterly or a southeasterly wind, it'll run right up that
9 bay and it could be pretty out there. So they actually cut the
10 run just short of that. You know, you end up -- if you're
11 doing eight knots and you have -- your boat is running at
12 maximum and you turn into a 20-knot wind, which is -- and out
13 here you're only, like, running into a seven or eight-knot
14 wind. You turn out here and all of a sudden it'll turn into a
15 20-knot wind because of the long run coming across the lake,
16 coming out (indiscernible) bay.

17 Q. Have you ever been on the lake in a good blow with
18 one of those?

19 A. Yeah, oh yeah. I came down -- I had a -- I think it
20 was a two or three-hour charter on the Algonquin with a group
21 from -- 14 Indian engineers. They were graduates of IIT, which
22 is the Indian Institute of Technology, which is the hardest
23 engineering school in the nation, in the world. And it was
24 their 50th anniversary. They all live in America and they're
25 all American citizens now, and they met and they took a cruise.

1 And they hadn't seen one another in years. Anyway, we went up
2 there and on the way back, we ended up coming into -- facing
3 into some -- a northerly wind, which -- coming out of -- I was
4 coming out of (indiscernible) Bay making that run, heading from
5 the south, the southeast up to the northwest and it was coming
6 right at us, basically. And when I left from the Sagamore
7 until I got past -- somewhere past Canoe Island, which is just
8 north of where they make their turn. Yeah. I guess it was
9 just south of Canoe Island. The Sagamore is up here. Down
10 there -- and I think I was being held down to about five or six
11 knots and that was at full throttle. I mean, it was holding us
12 back.

13 Q. Would you have --

14 A. (indiscernible) the rollers and stuff, no. They just
15 bounce right through it.

16 Q. What about taking wind or rollers on the side?

17 A. Well, I was taking them at probably one or two points
18 and it wasn't rolling at all. When you have to
19 (indiscernible).

20 Q. Is that written anywhere or is it just for --

21 A. No, no. It's just being a good captain.

22 Q. Do you have -- and I apologize if this question may
23 have been asked before, but do you have a check-off sheet that
24 you fill out?

25 A. They have a check-off sheet that hangs in the boats,

1 that you go ahead and you do your morning check-off and you
2 check off what you did, you know, you check your fuel, you
3 check -- they don't usually have to check the fuel on those
4 boats. They put a hundred gallons in them and they fill them
5 every week. They run about a gallon an hour to run.

6 Q. It's a hundred gallon tank?

7 A. A hundred gallon tank. You know, if they run 20
8 hours, they get down to, you know, 80 gallons.

9 Q. And is that, is that like -- is that check-off
10 sheet -- do you use a grease pencil or you just --

11 A. Oh, no, it's --

12 Q. You don't fill out any form.

13 A. No, it's just a piece of paper on a clipboard hanging
14 in the -- I'll show you one when we go take a ride.

15 Q. Okay. And is this done each trip or just the morning
16 trip?

17 A. Just a daily check-off when you do it. In fact,
18 that's part of one these things. I forget, on the tour boats,
19 to fill that thing out. I've only done it probably twice.
20 I've only taken a first trip a couple times.

21 Q. But it's just for the first trip.

22 A. Yeah.

23 Q. So if there's three trips --

24 A. Usually, when a captain takes over, even if they take
25 over after somebody else, then they'll do another check-off.

1 They'll check everything themselves again. You know, they may
2 not fill that out again if it's already been dated.

3 Q. Okay. What -- what would your actions be if for some
4 reason you started taking on water? Now, you've got --

5 A. Well --

6 Q. What do you have for --

7 A. First of all --

8 Q. -- dewatering?

9 A. Well, you turn on the bilge pump.

10 Q. And how do you do that?

11 A. You just turn the switch.

12 Q. Which is located?

13 A. Right near the clipboard.

14 Q. On which vessels?

15 A. On all vessels. They're standardized, you know,
16 older style switches. If you turn them 90 degrees, they turn
17 on, and you turn them another 90 degrees, it turns off. Water
18 tight switches. But what I would do is, you know, first of
19 all, I would ascertain how fast I'm taking it on. And you
20 know, basically, if you talk about large holes, something that
21 you rolled over into a hard wave and you cracked the hull and
22 you're taking on water, you'd feel it's not going to be handled
23 by the bilge pump, your understanding is to put on a beach.

24 Q. Do you know the capacity of the bilge pump?

25 A. No, I don't.

1 Q. And how would you --

2 A. But I say most of them are 2,000 gallons or --

3 Q. Gallons per?

4 A. Hour. You know, but I think that they went to -- you
5 know, they were ordering some yesterday. I think they were
6 3700, with the automatic switches.

7 Q. But are you familiar with the layout of the bilge
8 system?

9 A. Yeah, it's real simple.

10 Q. Can you describe it on the Ethan Allen?

11 A. The Ethan Allen was just -- it's the same on all
12 three, I believe, because they're very similar. It's right --
13 the bilge pump is to the -- a little bit to the port. The
14 center line -- the pickup's in the center of the boat. It's
15 got a screened entrance to it. It was a reciprocating type of
16 diaphragm pump, driven by a black electric motor, running off
17 kind of an eccentric type of deal. And it just pumps directly
18 overboard.

19 Q. And where does it draw suction from?

20 A. Right through the screens, right down on the floor of
21 the engine.

22 Q. So there's one pickup in the engine room?

23 A. And -- yeah. And that area, that rose box (ph.)
24 area, is fed from forward through the drain holes.

25 Q. Okay. Is there a separate line that runs up to the

1 forward --

2 A. No.

3 Q. -- component?

4 A. I didn't see it.

5 Q. Okay. What sea cocks are there on the vessel?

6 A. The sea cocks are just on the engine -- you know,
7 right before strainer.

8 Q. Okay. And it looked like there were some back in
9 that little port side compartment aft.

10 A. Yeah. Those are plugged in (indiscernible) closed.
11 That's where the old head --

12 Q. There was a head down there?

13 A. Yeah, that's the old head days, where they could pump
14 it overboard.

15 Q. Do you all normally take a look in the lazarette?

16 A. Yeah. Actually, we don't go into the bottom tank,
17 but yeah, you automatically do, because you go down there and
18 you have to clean the boat. And when you get down there in the
19 morning, part of it is cleaning up and picking up the boat,
20 sweeping up, dumping the garbage.

21 Q. I mean, the area -- the area where the rudder
22 quadrant is.

23 A. Oh, no, you don't typically look in there. But you
24 do look at where the boat's floating when you get there.

25 Q. Okay. Now, you -- do you have a safety briefing that

1 you give before you get underway?

2 A. I think so, yeah. (indiscernible).

3 Q. And what basically do you say?

4 A. Basically, the regular schpiel is, welcome to --
5 welcome to Lake George and Shoreline Cruises. Welcome, you
6 know, aboard the Algonquin, and I will be taking you on such
7 and such tour, depending upon which -- we'll be gone for so
8 long. We'll be heading at this direction or that direction.
9 If we have any emergencies, you'll be informed of what to do.
10 If you stay seated, the boat will be more stable. And if, you
11 know, before we leave the dock, of course -- or upon leaving
12 the dock and you find out you just have a list, you might ask
13 some people to move back and forth, and ask them to be
14 conscious and maintain -- and most of -- it's not very
15 comfortable to be up on that stool when you have a list.
16 Maintain some kind of a trim that's near zero.

17 Q. And have you been out on a trip where they've
18 actually moved passengers around --

19 A. Oh, yeah.

20 Q. -- to even the boat out?

21 A. Oh, yeah, I have. I was -- I had 15 people that came
22 as a group, and if you said, look at something on one side,
23 they all went to that side. And if you said, look at something
24 on that side, they all went to that side. And I said to
25 them -- and they didn't really have a good command of English,

1 and it took a while, and finally one of the younger people told
2 them in their language what I was saying. I was trying to --
3 and then they all sat down.

4 Q. What was the boat's response when everybody moved to
5 one side?

6 A. She heeled over a little bit.

7 Q. Do you normally do any passenger briefing on where
8 the life jackets are? Do you show them how to put one on and
9 tell them what do if they need it?

10 A. (indiscernible) teach how to put them on, if a part
11 of that is -- you know, the life jackets are provided here in
12 the back of the boat, and the children's life jackets are in
13 the box.

14 Q. And how many children's life jackets are there?

15 A. I think it's 10.

16 Q. Okay. And if you happen to have 15, 20 children on
17 board, what do you do?

18 A. Well, they bring them up from the shore. In fact,
19 they also provide people -- some people want to put a life
20 jacket on just to go for a ride.

21 Q. And --

22 A. And children -- you know, young children that seem
23 very active will be requested to put one on.

24 Q. Okay.

25 A. Just for their own safety. And we run them in the

1 smaller boats, if we're running the shuttle with a parasail or
2 something when we have children, and they all have to wear
3 (indiscernible).

4 Q. Does the organization have any sort of rotation for
5 the captains' schedules?

6 A. I don't know how it's done. I'm just new here and --

7 Q. That would be your brother that runs that?

8 A. Yeah. And I think that different people are better
9 with different boats and you know, he tries to schedule the
10 people into the boats that they like and more comfortable with,
11 that, you know, they do a better job at.

12 Q. Do you normally communicate with the office while
13 you're underway?

14 A. No, not on the tour boats.

15 Q. Have you been out --

16 A. But I've been out in the big boats and we've called
17 back.

18 Q. Yeah.

19 A. The big boats, they have it on 16 and you have your
20 radar on (indiscernible), but you always have, you know,
21 your -- what do you call it, GPS on. And they have a lot more
22 equipment on the boats.

23 Q. Have you been out with the De Champlain or the other
24 two that had broken down?

25 A. I've never broken down anywhere. In fact, they're

1 very good running, and some of them -- the Ethan Allen's the
2 best running.

3 Q. Any sort of random drug or alcohol testing?

4 A. Oh, not from them, but -- I haven't seen any.

5 Q. Do you think that somebody else --

6 A. The Coast Guard gave me mine.

7 Q. The Coast Guard?

8 A. Oh yeah. Yeah, you're required for your license.

9 And then -- yeah. And then when you got on -- you know, if I
10 take a cruise, I took a cruise, you know, down to the
11 (indiscernible) Maritime, they gave me drug and alcohol.

12 Q. But operating up on the lake, you're not aware of any
13 requirement by the -- by your organization or the --

14 A. Well, there's no requirement by the state --

15 Q. -- state or the county or the --

16 A. No, no. There isn't any requirements. And I don't
17 think you're going to find any even from this accident. I've
18 known that captain for not very long, but I don't -- I've never
19 seen him using drugs or receiving any type of drugs or alcohol.

20 Q. Give me a little more information about the waves
21 that the lake generates or --

22 A. Oh, okay. Yeah.

23 Q. -- your impression on the waves. What may generate
24 large waves?

25 A. Well, the wind if it gets a good run.

1 Q. Okay.

2 A. If you get a direct wind coming straight down the
3 lake, you'll get a nice sized wave. If you get one coming
4 straight up the lake, up here, you're getting a nice sized
5 wave. The day I was out with the Ethan -- or the Algonquin,
6 with the guys from IIT, it was coming directly up this, and we
7 were coming from the Sagamore, and until we got past here, we
8 were getting a good beating. And then there's a mountain.
9 See, what this doesn't show you is the mountains and the hills.
10 When you get here where the mountain can shelter you, then you
11 get out of that and it'll cut that wind in one-third, one-half.
12 Down there, this is that flats that goes down through
13 Queensbury, down toward the mall, then it gets a good run right
14 out, just a hundred feet in the air. And once it hits in here,
15 it's able to drop down and generate quite a bit of waves.

16 Q. Okay. When we were over Hall's Marina yesterday, it
17 seemed that periodically you'd get these series of swells
18 coming in.

19 A. Those are generated mechanically, manufactured by,
20 you know, normal passenger boats.

21 Q. There didn't seem to be any boats anywhere near.

22 A. Yeah.

23 Q. And this happened a couple of times. This happened
24 actually out at the accident site and no boats anywhere around.

25 A. They've already passed. You're so far offshore that

1 you're not going -- you know, by the time you notice, they've
2 already gone by. It's kind of like here. If you're taking
3 -- you run the Mohican, or a boat, and you run it straight up
4 here, they -- the five-mile-an-hour markers. These are the
5 five-mile-an-hour markers in here and this is -- the shaded area
6 is the five-miles-an-hour zone. You go through straight up
7 through here, okay, and they'll go right up through. And if --
8 you know, if you go here, if you're in Tea Island, by the time
9 you notice it, you'll be -- they'll be by the point where you
10 could see them. And -- here's the island -- and you won't even
11 see them. They'd just go right by if you're in here, and
12 you'll get the waves they're out of sight. And they keep going
13 right up the lake. They'll just shoot right the lake. And
14 they're required to stay a hundred feet offshore, and you stay
15 just about a hundred feet offshore.

16 Q. What's the, what's the organization that runs the
17 Mohican? There are several large --

18 A. Lake George Steamboat Company.

19 Q. Yeah. There are several large vessels down there.
20 Are they all part of the same organization?

21 A. As far as I know.

22 Q. What's the relationship between their organization
23 and yours? Competitive?

24 A. None. Well, I guess they're probably competitive at
25 different levels.

1 Q. Any animosity? Are you friends?

2 A. I think -- you know, I think my nephews don't care
3 for them, but my brother doesn't seem to mind them
4 (indiscernible) understand and get along with them.

5 Q. Is there an organization, in the lake, of commercial
6 passenger operators, some -- you know, some group that gets
7 together and talks about passenger vessel activity in the lakes
8 or --

9 A. No, I always thought they ought to get a captains
10 group together and kind of talk about these things. But it
11 never came to fruition. That was one of my suggestions back in
12 the spring.

13 Q. But there's no group of owners that meet and talk
14 about --

15 A. I don't know. I couldn't comment on that. I'm just
16 talking from my level. There's only, I think, three carriers
17 in the south basin. I don't know if there's any up north.
18 There's (indiscernible) I know that those guys come down and
19 they've come down and docked with us and talked.

20 Q. Is there --

21 A. I mean, I wasn't privy to what they were talking
22 about. You know, they stopped and let people off.

23 Q. -- some of an institute up at Bolton for the lake, as
24 far as water survey, water quality?

25 A. Well, the water -- yeah, it's actually out of

1 Shoreline, and the Ethan Allen was their platform for studying
2 the lake.

3 Q. Um-hum. Is this an institute, some sort of an
4 institute?

5 A. It's the Lake George -- I'm not that familiar. Do
6 you know which one it is?

7 UNIDENTIFIED SPEAKER: I can't say for certain what
8 it is.

9 MR. QUIRK: It's LGA, anyways. It's the Lake George
10 Association and they do -- and it's connected with some kind of
11 a funding and it works with both children and adults, and it
12 does a lot with --

13 MR. HENRY: And this was --

14 MR. QUIRK: -- surveying the lake.

15 MR. HENRY: This was --

16 MR. QUIRK: Bringing data.

17 MR. HENRY: This was taken over in its present
18 location.

19 MR. QUIRK: Yeah, that's the LGA. This is --

20 BY MR. HENRY:

21 Q. Sort of their logbook?

22 A. Yeah.

23 Q. And is the Ethan Allen the only vessel that --

24 A. Yes.

25 Q. -- they operate out of? And that's why all those

1 testing equipment --

2 A. The equipment (indiscernible).

3 Q. -- and supplies came?

4 A. And the green cables that were behind the ticket
5 booth, the table tops --

6 Q. Um-hum.

7 A. -- they're actually four lab tables that they set up
8 and work on, and we took them off --

9 Q. Do you keep a logbook on the vessel?

10 A. No, we don't.

11 Q. What's the -- on those three vessels, what's the
12 largest group you carried that you've been on?

13 A. Gee, I can't remember. I never had a full vessel.
14 Twenty something.

15 Q. Okay. The average?

16 A. Fourteen or twelve or maybe less.

17 Q. Is there a minimum number before you'll take one out?

18 A. Two, one. You go with one or two people. I've never
19 seen them go with one, but I've seen them go with two a lot,
20 just two people that go out on the lake and -- and it's just,
21 you know, they want to have the boat out there and they want to
22 go and take care of the people.

23 Q. Normally the -- those Plexiglas windows are up or
24 down?

25 A. Normally the Plexiglas windows are all up. There are

1 a couple of them in the bow (indiscernible). They're fixing
2 the other door and they keep that closed. And that's basically
3 because, if you do get a wave over the bow, it can happen on
4 occasion, it'll spread all around the sides.

5 Q. Your impression on the trim of the vessel as you had
6 more passengers.

7 A. Yeah, she -- all that design seems to sit more -- sit
8 down more in the bow than they do in the stern, and I credit
9 that to the basic design and the philosophy behind it. The
10 philosophy is that, if you have a long run, a sloping run,
11 going to the stern, the slow push of the water trying to
12 displace the boat will actually help push it forward and reduce
13 the fuel need.

14 Q. Did you notice difference in the handling
15 characteristics, turning, handling in waves?

16 A. Oh, when the -- no. It might turn a little better,
17 actually (indiscernible) turn a little faster because of the
18 better pivot point.

19 MR. HENRY: I think that answers all my questions.

20 BY MR. CASTILLO:

21 Q. Well, it was one of the questions asked already about
22 boat operations. My question would basically be, is the
23 (indiscernible) of a formal preventative maintenance system for
24 the boats?

25 A. Yeah. But (indiscernible) by my brother. He takes

1 care of all of that. You know, they have a (indiscernible),
2 and ongoing thing where my brother monitored -- probably a
3 hundred and fifty hours, you know, they do the normal checkup
4 on the engine.

5 Q. Now, you mentioned --

6 A. Which is oil, greasing --

7 Q. You mentioned the daily check.

8 A. The daily check is --

9 Q. Checklist.

10 A. -- the fluid levels, okay.

11 Q. Is that including running --

12 A. For the oil.

13 Q. Go ahead.

14 A. All right. That includes oil drips, inspection of
15 the bilge, inspection for other types of fluids, inspection for
16 stains, in fact, that's why I said, in the Ethan, I spend a lot
17 of time looking around for that type of thing, because I had
18 never been on it before. Usually, you got a platform to work
19 from, you know, to see differences.

20 Q. Does that include running the equipment, like the
21 bilge pump?

22 A. Running the equipment when you're down below, you're
23 on board?

24 Q. Yeah.

25 A. No.

1 Q. No.

2 A. They give an inspection. They're inspected annually.
3 I don't think I ever seen a bilge pump run. When we take the
4 water out, we bring the water out into the drain. A small
5 five-gallon pail, you know, and a portable pump. They put it
6 in the water, the put the water in the pail, and then they
7 bring it up in five-gallon pails. And I don't know what -- you
8 know, it's not like it ever gets a lot of water. And the
9 reason that they seem to get some water in there at all, if you
10 get a heavy wind, it'll come in at an angle and the windows
11 will be up and it'll get on the deck and go down through the
12 deck.

13 Q. Okay.

14 A. (indiscernible).

15 Q. Do they keep records of those pump-outs?

16 A. I don't know. I haven't seen any pumped at all.
17 When I was on the Ethan Allen, I haven't seen that one been
18 pumped since maybe June. So it was still dried out.

19 Q. Okay.

20 A. But they had to -- I remember the last time I can I
21 think of them having to pump those boats is they had a rainfall
22 here, six inches in a half-hour, and that's the one that washed
23 out the road (indiscernible) and it seemed like around that
24 time, the time we had to pump them out.

25 MR. CASTILLO: Okay. I don't have any more.

1 BY MR. GIONET:

2 Q. Okay. Peter Gionet, New York State Parks. What's
3 the average cruising speed of one of your boats? Can you give
4 us a rough figure?

5 A. Well, eight to ten miles an hour. They won't do much
6 more than that.

7 Q. So you pretty much are going top (indiscernible)?

8 A. Yeah. Well, no, not the Ethan Allen. The Ethan
9 Allen is faster.

10 Q. It is a faster boat?

11 A. It is, yeah. I noticed that when I got out --

12 Q. Okay.

13 A. It would just -- the two of them had their engines
14 replaced.

15 Q. Right.

16 A. And they put Isuzus in them and they don't have the
17 power, the ability to run. It may that they're governed at a
18 different speed --

19 Q. Um-hum.

20 A. -- and they run the same propeller, so it won't give
21 you any more speed. I noticed the Ethan Allen could run up to
22 2400 RPMs.

23 Q. Okay.

24 A. And the normal cruising speed is 1800.

25 Q. Okay. So that's about eight to ten miles. Okay. So

1 you've operated all three of them, correct?

2 A. Yeah, I have done that.

3 Q. Did you notice any difference between them, other
4 than the speed difference you just spoke of?

5 A. Yeah, the Algonquin's got some shortfalls for
6 seating.

7 Q. Um-hum.

8 A. But they limit that to 20 people, so you know, you
9 really don't run into any real trouble with that. But they
10 have classic chairs, you know, and that's -- they basically use
11 it for a charter boat.

12 Q. Right.

13 A. And people are able to sit around and talk, and you
14 want to be comfortable for the wave action and you know, the
15 waves that run in.

16 Q. Um-hum.

17 A. And it has an open bow on it and you will get some
18 spray up there from time to time.

19 Q. Now, what I'm looking for, does one turn quicker than
20 the other? Do you notice that one --

21 A. Yeah.

22 Q. -- lists on certain way --

23 A. Yeah.

24 Q. -- when you make a turn? What the boat actually is
25 doing when it's in the water.

1 A. Oh, yeah. Yeah, the two with the full canopy
2 actually maneuver better.

3 Q. Okay.

4 A. The Algonquin is a little slower to respond. It's
5 more susceptible to wind.

6 Q. Okay.

7 A. Yeah. But yeah, they're all good. I mean, they're
8 well --

9 Q. Um-hum.

10 A. -- acceptable. They seem to have large rudders --

11 Q. Okay.

12 A. -- and very effective.

13 Q. Um-hum. What do you think about the state oversight
14 on the vessels? My question is, you know, are we too rigorous?
15 Are we lacking in areas? Or do we provide an adequate service,
16 coming to inspect the safety equipment?

17 A. You know, the state is very -- they do a lot of
18 things prompt.

19 Q. Um-hum.

20 A. They're quick. Oversight is really -- really, to say
21 oversight, I mean, you know, I think -- we've read the letters
22 and we know that this was intended to be a vessel for 50
23 people.

24 Q. Um-hum.

25 A. And that they did come with a COI that had to be

1 generated --

2 Q. Right.

3 A. -- somewhere.

4 Q. Um-hum.

5 A. And if the COI -- and basically, our government, our
6 federal government is -- has to have them to a higher standard
7 than our state government does.

8 Q. Um-hum. Sure.

9 A. And because it came from our federal government, I
10 think that, you know, we have to accept what they say.

11 Q. Um-hum.

12 A. We have to accept the laws, we have to accept the
13 draft --

14 Q. Um-hum.

15 A. -- when it comes to the federal government. On the
16 other hand, you know -- so if you're asking what's the state's
17 culpability in it, I think that their culpable because they
18 listen to the Coast Guard.

19 Q. Um-hum.

20 A. When they felt that the Coast Guard had done this and
21 maybe there's somewhere along the line something got missed.
22 And I hate to point it out, but I think, in the long run, it
23 hurts everybody.

24 Q. Um-hum.

25 A. And then again, it may not even be that. That may be

1 totally off base or it may be just -- there's been a lot of
2 changes in the laws. They probably didn't do stability
3 testing. They probably just did it from architect's stamp, and
4 that's something that they used to do. I mean, if an architect
5 would stamp those, then that architect was culpable. And you
6 know, you just have to go back to that point in time and find
7 out where it is, I mean, and find out what the rules were. I
8 mean, you can't use our standards to judge them for what they
9 did.

10 Q. Um-hum.

11 A. You have to use their standards that they used at the
12 time. Yeah. So if you're asking to point fingers, I think
13 it's way too early.

14 Q. No, I'm not asking to point fingers.

15 A. Yeah.

16 Q. I'm just saying, are you comfortable with what our
17 office does? It comes down and we do an annual inspection.

18 A. Oh.

19 Q. We take apart the boat, inspect all your safety
20 equipment.

21 A. Oh, yeah. No, I think it's terrific. You do a good
22 job.

23 Q. Okay.

24 A. I mean, you know -- there's no question about it. I
25 mean, you come down. I seen the inspectors. They go in and

1 they grab -- if a life preserver looks questionable --
2 unquestionable, he'll just grab it and he said, out the door
3 with it, you know.

4 Q. Okay.

5 A. And that's the way it should be done.

6 Q. Okay.

7 A. You know, it's not like you come down and say hey,
8 does your fire pump run? And you say, okay, put the fire pump
9 on and let's run it.

10 Q. Um-hum.

11 A. Okay. Now, do those pumps run? Okay, well, now
12 let's run them. Are your lights working? Okay, put your
13 lights on and let's see how they look. I mean, it isn't like
14 they're messing around. They do a real check.

15 Q. Um-hum.

16 A. And they have their check-off list and they check
17 everything off that they covered.

18 Q. Okay. We got -- your company has three different
19 types of boats. You've got the larger cruise boats --

20 A. Correct.

21 Q. -- and you have the three boats that --

22 A. Right.

23 Q. -- that you use, of course --

24 A. Right.

25 Q. -- and you also have the smaller boat.

1 A. Correct.

2 Q. Okay. Correct?

3 A. Yeah.

4 Q. Okay. So you have actually three different, you
5 know, levels of standards of people operating it, correct,
6 pretty much?

7 A. No.

8 Q. You don't think so? Do you feel that the people that
9 can operate the smaller boats used for parasailing would be
10 adequate to use for (indiscernible)?

11 A. Okay, that's part of a different company.

12 Q. Okay.

13 A. The parasailing. Okay. So I wouldn't -- you know, I
14 went up there a couple of days and helped them out, but that's,
15 you know -- but basically, no, that's a different company.
16 Shoreline Cruises are the three small boats --

17 Q. Um-hum.

18 A. -- a middle sized boat --

19 Q. Right.

20 A. -- an 85-footer and 115-footer.

21 Q. Um-hum.

22 A. Okay. Those are the three sized boats. You can run
23 the 40-footers with a PV license in New York State.

24 Q. Um-hum.

25 A. That does not happen.

1 Q. Okay.

2 A. I mean, even though it could --

3 Q. Um-hum.

4 A. -- and you could hire someone for a lot less money --

5 Q. Um-hum.

6 A. -- with a lot less experience --

7 Q. Um-hum.

8 A. -- you just can't do it.

9 Q. Okay.

10 A. It's just that simple.

11 Q. No, I understand.

12 A. Yeah.

13 Q. I understand.

14 A. And if you look at his staff and you know, I'm like
15 the kid on the block and I'm 62.

16 MR. GIONET: Right. Okay. No more questions.

17 BY MS. BARNES:

18 Q. Pat Barnes, NTSB. I wanted to go back. You were
19 discussing -- you said you filled in as an instructor
20 sometimes?

21 A. No, I actually took it upon myself and it had nothing
22 to do with someone asking me, except my brother said, you know,
23 these kids don't know too much. Can you help them out?

24 Q. Okay.

25 A. And then I did what I could and developed my own

1 course. And I'm a retired teacher and I taught, you know, for
2 over 30 years in the Pittsfield public systems after I went to
3 sea, and yeah, I developed the things and I had the objectives
4 for them to learn different things. And these kids -- you
5 know, and a lot of them did have tremendous language barriers.
6 We had a lot of Russian kids, and I didn't learn much Russian,
7 but they spoke their English very well, and we got along
8 extremely well. The kids did very, very well. We identified
9 some kids that were more proficient, able-bodied. They got a
10 little raise in pay for things like that. We taught -- you
11 know, but we taught, you know, all the basics of basic
12 seamanship from, you know, tying up lines and the philosophy of
13 it and what we're talking about, which kind of -- you know, why
14 you sit the boat that way. Why do you pull it in tight to the
15 dock when you -- and how to set that doorway and why the
16 doorway has to be that way. You know, why couldn't you leave
17 it a little off-center, you know? And why do you have to stand
18 and why do you have people stand, like, both inside and outside
19 to help people, and how to identify people -- we have different
20 impairments, you know, when they get to that doorway. To some
21 people, you know, you're stepping across from here to there and
22 it may be only moving this much, but is a tremendous threat,
23 and you have to help them and basically you have to go out with
24 their thing and bring them around the cabin. You know, the
25 people that come on in chairs, of course they want to -- some

1 people can -- they'll come on and we'll bring them right on
2 with the chair and roll them onto the, like, the Horicon or
3 Adirondac and they can stay in the chair. Other people, we'll
4 get them on with a chair and we'll bring them to a table or a
5 place where they can sit, and we'll go park the chair somewhere
6 else where then can -- you know, where they're comfortable.

7 Q. Now, so these young people that you're instructing,
8 are they being instructed to be deckhands or to be operators or
9 what roles --

10 A. Deckhands.

11 Q. Deckhands?

12 A. Deckhands.

13 Q. Okay. As far as the vessel operators, are -- do you
14 typically draw from area, the masters, or if you have someone
15 new to the area --

16 A. You don't become a vessel operator unless you have a
17 masters.

18 Q. Right. Okay, okay.

19 A. On the bigger boats. And he does not bring anybody
20 in without a masters to run the small boats. He'll bring you
21 in as an apprentice master and train you --

22 Q. Um-hum.

23 A. -- until you get your masters.

24 Q. Okay.

25 A. Okay.

1 Q. And so as far as the -- you were talking about, I
2 guess, what I would characterize as the idiosyncrasies of the
3 waterway.

4 A. And that's only as I've seen them.

5 Q. Okay.

6 A. I heard stories from some of the fellows about
7 different things, but they're running up the lake further.
8 They'll take longer runs or something like that. And you know,
9 it's just a lot of commonsense things, you know. But if you
10 think about and they explain them to you, it makes sense and
11 then you do them yourself when you're out there.

12 Q. Does anyone go out with the new masters on kind of a
13 test run?

14 A. Absolutely.

15 Q. All right.

16 A. Two and a half month's worth and they still haven't
17 let me run by myself.

18 Q. The -- and I just missed -- how many, how many
19 vessels are in your fleet?

20 A. Five.

21 Q. Five? Okay. And then you were talking about the
22 captain looking at how the vessel is floating, I assume, before
23 it leaves --

24 A. Before you leave, yeah, you check your trims. It's
25 standard. That's SOP. I mean, anybody that goes on a boat

1 does that.

2 Q. Okay. And then -- then you were talking about how it
3 runs or how it --

4 A. Whether it --

5 Q. -- moves through the water, and you said it settles
6 down more in the bow. Now, they're going to understand this
7 and I'm not going to understand it. If a captain took a --
8 well, I guess what you would call a fast turn --

9 A. Um-hum.

10 Q. -- and it -- and the design of the vessel is that it
11 settles down more, how is it going to react in a fast turn?

12 A. It'll act faster.

13 Q. Okay, you're going to have to explain that to me.
14 I'm sorry.

15 A. Okay. What happens when --

16 Q. I'll let you write on this.

17 A. All right. We have two boats. Okay. This is boat A
18 and this boat B. I should drop it -- drop it a little deeper
19 than that (indiscernible). And what happens, because this goes
20 down here, this will hold the water better. So when you back
21 up, if you get a lot of people on there, okay, you pivot around
22 this point right in here. This will hold the water better.
23 And you have a rudder back here that drives you -- and from the
24 force of the propeller. And these things will actually turn.
25 You can actually back these out. If you have a lot of people,

1 like 15 or 20, you back it out and you turn the wheel over,
2 like, straight from the dock, you turn the wheel over, and you
3 can be like 15 off the dock. You can turn that boat around and
4 still be 15 feet off the dock. It'll just actually turn with
5 its own -- you can use its backward momentum. You turn the
6 wheel hard over and you put in slow ahead and that boat will
7 just go like this and it'll just head straight up. And it does
8 that perfectly when you have, like, 15, 20 people on it. It
9 doesn't do bad. I mean, you don't have any creaking -- when
10 you only have four or five people on it.

11 Q. Okay. Now, that's at the dock.

12 A. That's where you're maneuvering. And the same thing
13 happens when you're underway.

14 Q. Um-hum.

15 A. What happens is, because this back end is fortunately
16 less in the water --

17 Q. Okay.

18 A. -- than the other one, this will kick back water
19 faster, faster left and right.

20 Q. So --

21 A. The nose stays here; the back end steers.

22 Q. Okay.

23 A. So the back end seems to steer a little quicker.

24 Q. But the bow will not move down as it's turning, is
25 what --

1 A. Oh, it doesn't go down, no. It just -- because it's
2 already down.

3 Q. Okay, okay.

4 A. It already has a displacement there.

5 Q. Okay.

6 A. It's putting a larger rudder or a larger side
7 (indiscernible).

8 Q. Okay. So how many new masters does the company
9 typically, or apprentice masters, does it typically hire
10 annually?

11 A. The don't hire apprentice masters.

12 Q. Okay.

13 A. If you want to become an apprentice master, you can
14 volunteer --

15 Q. Oh, okay.

16 A. -- they'll get your license and they'll let you go
17 until you can get your license. Apprentice masters don't get
18 paid.

19 Q. And then, do you have any kind of preseason briefings
20 for the entire --

21 A. Absolutely.

22 Q. -- crew --

23 A. Yeah.

24 Q. -- to remind them of --

25 A. Not just the entire crew. They have full-staff

1 training sessions on the lake when they're doing things like
2 man-over-board drills and --

3 Q. Okay.

4 A. -- fire drills and such.

5 Q. Okay.

6 A. I mean, they'll bring everybody out a couple times in
7 the beginning. And then, you know (indiscernible) they have to
8 do it with them during the season. And up until I went and
9 started working with the smaller boats, because the maintenance
10 guys kind of got a little behind on some of the rental stuff, I
11 was with them on a daily basis, two or three different cruises
12 on different boats --

13 Q. Okay.

14 A. -- to work with different kids and just talk to them.

15 Q. So you're saying that they also -- the company also
16 has period briefings throughout the season with --

17 A. No, I don't think throughout the season, at the
18 beginning of the season.

19 Q. Okay.

20 A. Yeah, they're doing it. And you know, I don't know
21 what happens. I think, somewhere around the 4th of July or
22 something like that, I kind of got buried in fixing outboard
23 motors and showing these guys how to fix things. You know,
24 people running things over rocks and stuff and it's -- well, I
25 was teaching them how to be an outboard mechanic.

1 MS. BARNES: Okay. So those are all my questions.

2 BY MR. CURTIS:

3 Q. Brian Curtis. I have just a few follow-up questions,
4 Hugh. Is a PA system used to communicate with the passengers?

5 A. Definitely.

6 Q. Those are the overhead speakers there, I guess?

7 A. Yeah.

8 Q. Did you notice any trim difference between the De
9 Champlain and the Ethan Allen, typical maneuvering
10 characteristics? Did one seem to sit down more with the bow or
11 the stern?

12 A. Well, I don't know how to describe it, but it seemed
13 like the Ethan Allen was quicker and she's more solid. She set
14 in the water better. It's just a feeling, it's not like you
15 saw it.

16 Q. Was it a difference in trim fore and aft?

17 A. It didn't seem to be. They kind of looked pretty
18 much the same. You know, you look at the --

19 Q. These -- you say these staff training sessions, was
20 there any way -- each individual's training documented in any
21 way, like --

22 A. I don't know, because I didn't do that. I mean,
23 technically, I wasn't a master at the time. Jim Young and John
24 Mason did them.

25 Q. Just one more question. These boat checklists that

1 you do once in the morning, are they taken to the office daily
2 or they just on the boat and --

3 A. No, you find them on your clipboard.

4 Q. Okay. But they're not saved in a reporting --

5 A. No. No, that's just kind of like to keep your
6 captains thinking about it and make sure -- and all the
7 captains can do those checklists. You know, whoever wants --
8 if you're supposed to go out on those runs, and it doesn't
9 matter what boat you're on, even though someone else has done
10 it, you're required and expected to go do it yourself, even
11 though you know that someone's been down there and they changed
12 the oil in the diesels and it's all clean and it's all done,
13 and you're picking up and you go back down and make sure that
14 what he did is done right and --

15 Q. Okay. One last question, I promise.

16 A. Yeah.

17 Q. The license you hold, that's one of those joint
18 captain's/engineer's license?

19 A. Yeah.

20 Q. What's the title of your license?

21 A. It's a masters with an engineer endorsement.

22 MR. CURTIS: That's all I have.

23 BY MR. HENRY:

24 Q. Rob Henry. A couple more questions. Disabled
25 passengers --

1 A. Yeah.

2 Q. -- if somebody comes on with a walker or a cane --

3 A. Absolutely.

4 Q. -- what do you do? Is there any provisions for
5 getting them seated and --

6 A. Absolutely. On the big boats, okay, the thing is
7 that there's four people at the gate and the first two help
8 with coming up the ramp. But usually they're escorted and
9 they'll get up the ramp on their own, but once they get to the
10 gate and you go over to the door, then two of them will assist
11 from the outside and they'll take, one on each arm, and ask
12 them how they want it to be done. And if they've having any
13 trouble, they explain to them about the split and show them the
14 markings, because they have the tape with the yellow, black,
15 and tell them that they got to go across that split and you
16 don't want to put anything in between it because that's where
17 the boat and the dock are rubbing. People with walkers are not
18 a big problem. The people with vision problems and depth
19 perception are the ones you really have to be careful with.
20 Those are the ones that you take an arm on each side, and you
21 have to be careful about the way you handle them, because
22 people, as we get older, we get more fragile and they can't --
23 you can rip their arm out of their sockets and you have to hold
24 it very carefully. You know, you don't want to put too much
25 pressure on it. You know, and it may be that you have a very

1 frail person that's going to go down and you don't want to yank
2 her up, but you might hold her arm and let her go down gently.

3 Q. On the smaller boats, the De Champlain, the same
4 thing, you would help these people to their seats?

5 A. Do I help them to their seats?

6 Q. The ones with the walkers --

7 A. I have never -- yeah, I haven't been on -- I've only
8 been on about eight or ten cruises, and I haven't had people
9 come on with the walkers. And the one I saw with a walker came
10 down -- and I haven't even seen one with a wheelchair, but Dick
11 says that people come on with wheelchairs.

12 Q. And do they normally --

13 A. I don't know. But the person I was saw with walker,
14 that's what the -- that's why I went down and checked, to make
15 sure they were assisted, even though they had one person there,
16 I felt that it should be like, with a person that has that kind
17 of -- and this fellow was actually walking on his own with only
18 one hand on the walker and he was walking on the outside of the
19 walker. And he has his left hand on the walker, and he had
20 someone else assisting who was hanging on the other side.

21 Q. Is there any provision to put these people into PFDs
22 or -- the people that are disabled?

23 A. Do they put them in the PFDs?

24 Q. Yeah.

25 A. No. As a matter of fact, people do not what the

1 PFDs. They don't want to be singled out.

2 Q. Okay. Is there a policy or do you have any protocols
3 or your judgment call about situations, while underway, where
4 you would have people put on PFDs?

5 A. Absolutely. It's the captain's judgment.

6 Q. And what would those situations be?

7 A. If I felt imminent flooding. If I felt we had to
8 abandon the boat somehow, absolutely.

9 Q. And how would you --

10 A. And at that same time, I would be a looking for a
11 piece of shore to take it. And how would you do it?

12 Q. What instructions would you give to the people --

13 A. I'd explain to them --

14 Q. -- in abandoning the vessel.

15 A. I'd explain to them what our problem is. I would
16 tell them where I'm going. I would have the life jackets
17 passed out. The life jackets are, like, right in front of you
18 to the left. Okay, you can reach right over there
19 (indiscernible) the boat at the same time. You can open the
20 cabin and you can pass them out. And we're heading toward the
21 nearest beach.

22 Q. What would you tell them as far as evacuation?

23 A. I'd tell them, in terms of abandoning ship, I'd tell
24 them to stay in their seats and not to panic, not to get too
25 nervous, and we're going to put the boat on the beach. These

1 boats aren't that far off the beach. I mean, what happened
2 there was, they actually turned over in a matter of a few
3 seconds. If you put a hole in that boat that you could put
4 this notebook through, okay, you can probably go 300 yards.

5 Q. (indiscernible) --

6 A. You wouldn't even notice it right away, but you would
7 feel it fairly quickly, and you would still have your hundred
8 yards you need, or a hundred and fifty yards you need, or even
9 200 yards you need to get to the beach.

10 Q. So you'd have them put on life jackets?

11 A. If you felt that you're in danger, absolutely. I
12 mean, that would be part of the normal training required by the
13 State of New York.

14 Q. Is there a document on the vessel that talks about
15 what the state expects in the way of route and equipment and --

16 A. There's a document on the vessel? No (indiscernible)
17 vessel. I mean, there's no logbook on there. That would be
18 found in a logbook.

19 Q. Is there a certificate posted on the vessel?

20 A. No, the certificates are held in the main office, I
21 believe, and I think there's a copy on there.

22 Q. And what would be on that certificate?

23 A. I have no idea.

24 Q. Okay.

25 A. I don't know where it would be posted. If it is,

1 it's in the back of the clipboard. We'll look when we go down.
2 But I don't -- there's no requirement because it's a
3 40-footer. If you have bigger than a 40-footer, everything
4 changes.

5 Q. Okay.

6 A. Then you have -- they you do logbooks and -- see,
7 you're right at the break point. You know, that's a
8 40-footer. Above 40-foot you have to have logbooks and doing
9 the things you're talking about. Of course, you've got to
10 remember, this -- what you're running now is something like a
11 school bus. Really, it's arrangement is like a school bus,
12 except you're driving from the back instead of the front.

13 Q. Um-hum.

14 A. You can see your occupants, you can explain to them
15 what you're doing, and you can --

16 Q. You're the master on a trip. Where do you get your
17 crew from?

18 A. Where would I get my crew from?

19 Q. Right.

20 A. They have six or eight people working the docks all
21 the time, some with PV licenses and some with just --

22 Q. Private --

23 A. -- you know, being ordinary --

24 Q. Okay.

25 A. -- helpers.

1 Q. And the practice is to carry a crew member?

2 A. With -- no, on the small boats?

3 Q. Yeah.

4 A. No.

5 Q. It's not required or --

6 A. Not required and not even needed.

7 Q. No matter what passenger load there is?

8 A. I -- I've never run into one that required one, okay.
9 I've been on there where I've had help. Usually, the help I'm
10 getting is from tour directors --

11 Q. Um-hum.

12 A. -- and passengers that come on and they want to do
13 this or (indiscernible) sure, you let them do things.

14 Q. Okay. In that class of small vessels, if you're at
15 full speed and you make a hard turn to starboard --

16 A. Um-hum.

17 Q. -- which way does the vessel roll?

18 A. She rolls away from the thing. She rocks to the out
19 board.

20 Q. To the side board.

21 A. Yeah.

22 MR. HENRY: Okay.

23 MR. CURTIS: Jimmy?

24 BY MR. CASTILLO:

25 Q. Yes, sir. You know, you said that you have a lot

1 of --

2 MR. CURTIS: This is --

3 MR. CASTILLO: Oh. Jim Castillo with the Coast
4 Guard.

5 MR. CURTIS: Thank you.

6 BY MR. CASTILLO:

7 Q. You get a lot of foreign crews on -- with your
8 company. Since this is a seasonal --

9 A. Right.

10 Q. -- type of operation, what kind of crew rotation and
11 retention do you have?

12 A. They seem to have the kids almost all summer. The
13 American kids leave earlier and usually the kids we use in the
14 spring are half and half.

15 Q. So half new and half old crew?

16 A. Half new and half old, but they're half American and
17 half non-American, and they get the mix.

18 Q. Um-hum.

19 A. And that gives you a variety of skills that you can
20 use. He also runs on the bigger boats, like, when they
21 require -- they're running a hundred people, and then the crew
22 would environment is two plus the captain, and they run -- he
23 would run the captain, the apprentice captain, a boat manager,
24 which is one of the ABs, a bartender, which is another AB, and
25 probably four crew.

1 Q. Okay.

2 A. And that's just mostly because they're giving them
3 the training and the other things, plus, the size of the boats
4 don't require it, but they can use it.

5 Q. Okay. Do they usually come back the following year
6 or do you hire new crews?

7 A. The Americans, the Americans pretty much always do,
8 and I know of three of the girls that want to come back, they
9 were from Russia. And then two of the girls from Macedonia,
10 they want to come back. So yeah.

11 Q. Okay.

12 A. And they're good kids, and their English, two of the
13 girls had really -- they had the English, but they were afraid
14 to use it to the Russian girls. And by the time the 4th of
15 July came, they were talking like an American girl. I couldn't
16 shut them up.

17 Q. Beat.

18 A. They're going to be in trouble.

19 Q. No, no. The dry-dock counter-roll on the vessels, I
20 would imagine that they come off -- they come up --

21 A. The come out every year.

22 Q. Every year?

23 A. Every year.

24 Q. And what kind of maintenance do they do the boats?

25 A. I don't know. Like I said (indiscernible). You want

1 to know the actual truth. My wife decided to divorce me after
2 37 years. I had nowhere to do.

3 Q. Okay. And you said that the checks that the captains
4 do in the morning is just on a clipboard.

5 A. Yeah.

6 Q. That's not being --

7 A. No (indiscernible) --

8 Q. Not intermittent.

9 A. Pardon me?

10 Q. It's not being collected by management.

11 A. It's not being collected, but they have an
12 (indiscernible) that goes around and you walk on the boats very
13 once in a while, maybe every other day or every third day, and
14 he takes it off the clipboards, he opens the logbooks.

15 Q. (indiscernible) logbook? Those daily checks.

16 A. Um-hum. Yeah. And just make sure that things are
17 getting done and you know, he'll speak to something, if
18 somebody -- if something's not getting done. You look for
19 things that have changed, you know, if there are any changes.
20 Yeah, if you say -- are you asking who the real conscientious
21 person is? The owner is, so --

22 Q. Yeah.

23 A. He's a taskmaster. I mean, he's a stickler and he's
24 fair.

25 MR. CURTIS: (indiscernible)?

1 MR. GIONET: No.

2 MR. CURTIS: Pat?

3 BY MS. BARNES:

4 Q. Pat Barnes, NTSB. I just want to verify, because
5 I've forgotten, I'm sorry. The operating, the typical
6 operating route is -- I realize that it goes up the side of the
7 lake this way. Now, do you operate 120, 120 -- or 150 feet or
8 yards off the shore?

9 A. The other guys run a lot closer than I do.

10 Q. Oh.

11 A. They know the lake a lot better than I do. But I can
12 basically -- I'm just trying to not to put ink on here. We
13 pull out of the docks here and we come out and -- I come out,
14 personally. I can't speak for what the other guys do. There's
15 a town park and I usually go up here in front of the town park
16 a little bit and point out the Shepard's Park and the old
17 courthouse, which is now a local museum, and then I head out
18 past the five-mile-an-hour zone. And I come back up to the end
19 of the five-mile-an-hour zone here and -- or here is the home
20 of Charles Peabody, so I kind of head back in here and
21 (indiscernible). So here, you know, I'm out quite a ways, you
22 know. And the reason is, that this is all shallow in here.

23 Q. Um-hum.

24 A. This shows you where it's shallow, that's three feet
25 or two feet, but that bank is actually much further out. And

1 you need -- you know, you need five feet to be playing with
2 that.

3 Q. Okay.

4 A. Well, I mean, I think the draft on that boat isn't
5 five feet. I think the draft boat is -- probably a full load,
6 is about three and a half feet. But a prudent operator would
7 want, if he's got the opportunity, to have at least twice the
8 amount of water as your drafts. If you're drawing 30 feet, you
9 want to look for 60 feet, and that's because of your bottom
10 response. If you're running hard, you're going to get bottom
11 response in your hull and it'll start working the hulls. You
12 know, bringing those (indiscernible) deep water. I mean, they
13 happen. Anyway, they go up here and I go up and I duck back in
14 over here, and we see the Peabody mansion, the Singer mansion,
15 and it was also Georgia O'Keefe who had that after Singer. And
16 then we go to Clara Barton's summer home, and then we go around
17 here and -- Tea Island, and I explain that this is Tuttle.
18 This guy here is a great grandson of Isaac Tuttle. Charles.
19 He still lives here. He owns Tea Island. And up here is the
20 home of Dr. Isaac Tuttle. It's known as Rock Ledge. And it
21 actually looks like the house that was in the movie Psycho.
22 (indiscernible), you know. But he built that back in 1854 or
23 five. He started the Episcopal church, and they just had their
24 150th anniversary this year, this summer. And then you just
25 keep going up further, and there's just more places along the

1 way.

2 Q. So what would you estimate that is?

3 A. And you don't always go this way.

4 Q. Oh.

5 A. You don't always go this way. I mean sometimes
6 you'll run the opposite and we'll just run over here, you know,
7 and come around. It depends on the preference, different, you
8 know, Bruce seemed to like, Bruce Beck, earlier in the season,
9 you indicated he's not here, and you know, it's kind of nice to
10 have all these guys, you get to hear what they're saying about
11 different things and, in fact, you see where this buoy is right
12 here, when I was saying about the splash, it's right around
13 this buoy where I was coming out. I was in close here. I was
14 coming out to go around the buoy, and that's where we took a
15 nice wave.

16 Q. So how far would you guesstimate this line is? Are
17 we looking at yards?

18 A. Oh, I can't -- yeah.

19 Q. Okay. Okay. That was just what I wanted to clarify.

20 MR. CURTIS: Since this is being recorded, too,
21 that's the line from --

22 MR. QUIRK: I don't know what that line is.

23 BY MS. BARNES:

24 Q. That's the line that the captain -- I'm sorry.
25 That's the line that Captain Paris, is that his name?

1 A. Yeah.

2 Q. Put in there.

3 A. Yeah, okay.

4 Q. So --

5 A. Yeah. We can take a run today and actually run the,
6 run the route and try it out.

7 Q. Now he did a turnaround in this cove?

8 A. Yeah, you run into the cove. He goes down in here,
9 and then he turns back out to come out this way, come back out.

10 Q. Okay.

11 A. And he would normally come here, and then turn back
12 up and then I'd go in here. I don't know whether he goes in
13 there. I go in here. This is Green Harbor. You look around,
14 and there's a glass house over here, and it's a real nice
15 boathouse. It's part of the old Cramer Estate that they built
16 a -- that they actually live on top of and have the boats
17 underneath. And you see, you kind of just turn around and just
18 come back out here and this is Cooper Point, and this is --
19 they have the -- what's the name, Carol Pacarin (ph.) Mansion.
20 It's got like 22 bedrooms. It's a big place, and it's named
21 Cooper Point for James Cameron Cooper. We talk about that and
22 stuff. So --

23 Q. So when you do this turn in the cove, I mean --

24 A. I didn't say I did that.

25 Q. No, I realize that. But when a turn is done in the

1 cove, how -- if you -- I can't tell how --

2 A. Well, you just turn the wheel over about one turn and
3 you just kind of let it take its own head, you know.

4 Q. So it basically would be almost like down at the
5 dock. I mean --

6 A. No, no.

7 Q. No. I mean turning around.

8 A. You've got three turns to turn that boat.

9 Q. Three turns to --

10 A. Yeah.

11 Q. Okay.

12 A. You just kind of pull over and you drive -- when you
13 drive them, the idea about running and it doesn't matter if
14 you're talking about a car --

15 Q. Uh-huh.

16 A. -- you're running a boat. The idea is not to drive
17 in such a manner that you're jerking your passengers around,
18 the people. And they shouldn't even really -- you can
19 accelerate a car and you shouldn't even notice it. If you're
20 driving with a person who knows how to drive, you're riding
21 with them, you know, you really don't even notice when you stop
22 and you start. I mean they're just very smooth. You do all of
23 that. The turns are very smooth. They set them so you're not
24 pulling any G-force on.

25 Q. So there's -- as far as operating in that little cove

1 area, there's nothing about the waters or the depth or anything
2 that a master has -- what does a master have to be concerned
3 about when operating in that cove, if anything?

4 A. I don't know. I guess it says -- it shows a buoy
5 right there. I've never gotten in there where I had to be
6 worried about snagging a boat either, because I run right over
7 here and then off the point here and come around into this
8 cove.

9 Q. Okay.

10 A. And then I turn around.

11 Q. And then the -- sorry about -- I mean I just don't
12 know. So -- but how easily or how quickly, you know, the
13 operator is in the back. How easily or quickly can an operator
14 sense the conditions that, you know, are affecting his turns or
15 the ride of the boat in the water?

16 A. I couldn't, I couldn't tell what the other operators
17 do --

18 Q. Uh-huh.

19 A. -- you know, but can I -- do I feel it?

20 Q. Yeah.

21 A. Absolutely.

22 Q. Just almost immediately or --

23 A. Yeah.

24 Q. Okay.

25 A. It seems like when it happens, it happens and you can

1 just kind of feel it go around and you can just see it. If
2 you're not paying attention you won't see it but, you know, if
3 you're there at Flagstaff, you can see it changing in the
4 background even though you're moving, you're turning.

5 Q. Okay.

6 A. It just shows up. It's like watching the TV set and
7 saying you can't see it. It's there. You have to have your
8 eyes open.

9 Q. Okay.

10 MS. BARNES: So that's all I have.

11 MR. CURTIS: Thanks, Hugh. We ran longer than we
12 thought but we appreciate your help today, and this concludes
13 the interview of Mr. Hugh Quirk. It's now 11:40. Thank you.

14 (Whereupon, at 11:40 a.m., the interview in the
15 above-entitled matter was concluded.)

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CERTIFICATE

This is to certify that the attached proceeding before the
NATIONAL TRANSPORTATION SAFETY BOARD

IN THE MATTER OF: Investigation of MV Ethan Allen
 Lake George, New York
 October 2, 2005
 Interview of Hugh Quirk

DOCKET NUMBER: DCA 06 MM 001

PLACE: Lake George, NY

DATE: October 6, 2005

was held according to the record, and that this is the
original, complete, true and accurate transcript which has been
compared to the recording accomplished at the hearing.

David Martini
Transcriber